

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICKEY G. MCALEVY JR.,

Defendant.

4:21CR3046

ORDER

The defendant's unopposed motion, (Filing No. 40), is granted, and

IT IS ORDERED that the release of Defendant is subject to the following conditions:

- (1) Defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) Defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) Defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (4) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

Defendant shall next appear for trial at:

Denney Federal Building

100 Centennial Mall North, Lincoln, Nebraska,

before John M. Gerrard, United States District Judge,

in Courtroom 1, United States Courthouse, Lincoln, Nebraska at

9:00 a.m. on October 18, 2021.

ADVICE OF PENALTIES AND SANCTIONS

TO DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;

(4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

DIRECTIONS TO UNITED STATES MARSHAL

Defendant is ORDERED released after processing.

August 17, 2021.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge